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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,890	03/16/2006	Hugh W. Adams Jr.	YOR920020375PCT1	6517
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FERENCE & ASSOCIATES LLC			EXAMINER	
409 BROAD STREET			PATEL, MANGLESH M	
PITTSBURGH, PA 15143			ART UNIT	PAPER NUMBER
			2178	
			MAIL DATE	DELIVERY MODE
			09/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/539,890

Applicant(s)

ADAMS JR. ET AL.

Examiner

Manglesh M. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Non-Final action is responsive to communications: application filed on 3/16/2006.
2. Claims 1-19 are pending. Claims 1, 10 and 19 are independent claims.
3. Acknowledgement is made to applicant's claim for priority to U.S. Application Serial No. 10/325061, filed on 12/20/2002.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3,5-10, 12, 14-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Sevasti (NPL –ACM multimedia 1-58113-198-4/00/10).

Regarding Independent claims 1,10 and 19, Sevasti teaches an application used for annotation of sound and image from multimedia consisting of video (page 190, section 3.2, paragraph 1). The apparatus used for managing and supplying the multimedia content is called the Video Explorer which consist of several thumbnail of images represented in a timeline metaphor (page 189, section 3.1, paragraph 4). The input interface or annotation panel allows selection for observation of a video portion that includes audio. Two types of annotation palettes are used for selection, an image and sound palette for video and audio respectively (page 190, section 3.2, paragraphs 6-8). Therefore a video portion that includes audio is annotated. In addition the multimedia application is for personal computers (page 187, abstract, paragraph 2).

Regarding dependant claims 3 and 12, Sevasti describes the input interface has a annotation panel which provides selection and observation of solely a video portion of multimedia content (page 190, 1 paragraph above and below section 3.2).

Regarding dependant claims 5 and 14, Sevasti discloses a video explorer used to supply the multimedia content using the first frame from each video recording which is **stored** into the DC (Diary Composer) system (page 189, section 3.1, paragraph 1). In addition the DC implementation represents a multimedia database used to store the recorded videos in structured format, which is not possible without a working memory (page 193, section 4.4, paragraph 3).

Regarding dependant claims 6 and 15, Sevasti describes a input interface or annotation panel which allows selection for observation of a video portion that includes audio through selection of images from the video explorer (page 189, section 3, paragraph 1). Therefore allowing selection of multimedia files which represent video with audio portions.

Regarding dependant claims 7 and 16, Sevasti discloses a multimedia editing tool to annotate a recorded episode with image and sound, the resulting multi-medial document is then stored in memory for future use (page 187, section1, paragraph 3). Therefore allowing to save annotations in a working memory.

Regarding dependant claims 8 and 17, Sevasti describes a user interface related to the DC (Diary Composer), this interface is used to **select** the multimedia content for observation and includes a video portion with audio (page 191, section 4.2, paragraph 3) & (page 192, section 4.3, paragraph 3).

Regarding dependant claims 9 and 18, Sevasti describes a user interface comprising:

- An arrangement for permitting selection, for observation, of a video mode of multimedia content (page 191-192, section 4.2, paragraph 3);
- An arrangement for selectably adding audio to the video mode for observation (page 191, 2 paragraphs above section 4, wherein the second component or the DC allows selection of sound to the video).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title; if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 4, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sevasti (NPL –ACM multimedia 1-58113-198-4/00/10) in view of King (U.S. 5,600,775).

Regarding dependant claims 2 and 11, Sevasti differs from the claimed invention in that it fails to teach the annotation of multimedia consisting of an audio portion that includes video. King discloses a method and apparatus for annotating full motion digital video including

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other indexed data files (column 2, lines 1-8). In addition King describes multimedia applications may include music, text and other indexed data structures (column 12, lines 60-67) & (column 13, lines 1-7). Therefore, it would have been obvious, to one of ordinary skill in the art at the time the invention was made to implement King's method of multimedia annotation for other indexed data structures including audio with Sevasti's teachings, since it would have provided an input interface for the selection of observation associated with multimedia content which consists of an audio portion that includes video.

Regarding dependant claims 4 and 13, Sevasti fails to teach the selection of only audio from the multimedia content. King discloses a method and apparatus for annotating full motion digital video including other indexed data files (column 2, lines 1-8). In addition King describes multimedia applications may include **music**, text and other indexed data structures (column 12, lines 60-67) & (column 13, lines 1-7). Therefore, it would have been obvious, to one of ordinary skill in the art at the time the invention was made to implement King's method of multimedia annotation for other indexed data structures including audio with Sevasti's teachings, since it would have provided an input interface for the selection of observation associated with multimedia content which consists of strictly an audio portion.

Other Prior Art Cited

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Covington et al. (U.S. 5,524,193) discloses "Interactive Multimedia Annotation Method And Apparatus"
- DeVries et al. (U.S. 6,332,144) discloses "Technique For Annotating Media"
- Gupta et al. (U.S. 6,546,405) discloses "Annotating Temporally Dimensioned Multimedia Content"
- Anderson (U.S. 5,583,980) discloses "Time-Synchronized Annotation Method"


Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manglesh M. Patel whose telephone number is (571) 272-5937. The examiner can normally be reached on M,F 8:30-6:00 T,TH 8:30-3:00 Wed 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Manglesh M. Patel
Patent Examiner
September 13, 2007



CESAR PAULA
PRIMARY EXAMINER